



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

July 2, 1999

TO:

LAWRENCE M. NOBLE

GENERAL COUNSEL

THROUGH:

JAMES A. PEHRKON

STAFF DIRECTOR

FROM:

JOHN D. GIBSON(

ASSISTANT STAFF DIRECTOR REPORTS ANALYSIS DIVISION

SUBJECT:

REFERRAL OF FRIENDS FOR HARRY REID

The Friends for Harry Reid ("the Committee") has failed to disclose the receipt of a loan from the candidate totaling \$100,000 received prior to the 1998 General Election. According to the 1997-1998 Reports Analysis Division Review and Referral Procedures for Authorized Committees an examination by your office is required.

Based on the review of the 30 Day Post-General Report, it initially appeared that the Committee had failed to file a 48 Hour Notification for this loan because the receipt date was reported as October 15, 1998. In a letter dated July 1, 1999, the Committee stated that the loan was received "a few days before October 15, 1998" but since the check for the loan was turned over to the Vice Treasurer on October 15, 1998 and deposited that same day, the Committee reported the receipt date as October 15, 1998. Because the loan was received "a few days before October 15, 1998," the Committee should have reported it on its 12 Day Pre-General Report; however, it did not. Thus, the receipt of the \$100,000 loan was not disclosed until December 7, 1998 when the 30 Day Post-General Report was received.

Harry Reid won the 1998 General Election for the United States Senate in Nevada receiving forty-seven (47.9%) of the vote.

If you have any questions regarding this referral, please contact Lisa Simpson at 694-1130.

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: July 2, 1999

ANALYST: Lisa Simpson

I. COMMITTEE:

Friends for Harry Reid

(C00204370)

Paul Eisenberg, Treasurer

116 Princeton Street Las Vegas, NV 89107

II. RELEVANT STATUTE:

2 U.S.C. §434(a)(6)

11 CFR §104.5(f)

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

Friends for Harry Reid ("the Committee") has failed to file a 48-Hour Notification ("48-Hour Notice") for a loan from the candidate totaling \$100,000 received prior to the 1998 General Election.

The candidate was involved in the 1998 Nevada General Election held on November 3, 1998. Prior Notice was sent to the Committee on September 30, 1998 (Attachment 2). The Notice includes a section titled "48 Hour Notices on Contributions". This section reads "Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000 or more, during the period October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

FRIENDS FOR HARRY REID REPORTS ANALYSIS OGC REFERRAL PAGE 2

Schedule A of the 1998 30 Day Post-General Report indicates that the Committee has failed to file a 48-Hour Notice for a loan received from the candidate during the aforementioned period (Attachment 3). The following is the loan for which a 48-Hour Notice was not filed:

Contributor Name	<u>Date</u>	Amount
Harry M. Reid	10/15/98	\$100,000

On January 26, 1999, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

The Committee's amended 30 Day Post-General Reports dated January 30 and February 24, 1999 do not address this issue. The Committee's response dated March 3, 1999 does not adequately address this issue (Attachment 5).

On June 30, 1999, the analyst contacted the Committee regarding the pending referral to the Office of General Counsel for failure to file the 48-Hour Notice for the candidate loan (Attachment 6).

On July 1, 1999, the Committee faxed a response to the Commission. The response states that the Committee did not file a 48-Hour Notice because the check was received a few days before October 15, 1998. The Vice Treasurer came into possession of the check and deposited it on October 15, 1998. The exact date that the check was received was not communicated to her so she used the date that she deposited it to report it (Attachment 7).

FEDERAL ELECTION COMMISSION ATTAMENT 1

Page 1 of 3
EANOIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

RECEIPTS DISBURSEMENTS a of innee CAMPIDATE/COMMITTEE/DOCUMENT OFFICE SOUGHT/ PARTY PRINARY GENERAL PRINARY GENERAL COVERAGE DATES PAGES LOCATION TYPE OF FILER

REID, HARRY N SENATE DENOCRATIC PARTY

1. STATEMENT OF CANDIDATE HEVADA 1998 ELECTION ION SERVINO 28

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2. PRINCIPAL CAMPAIGN COMMITTEE

E. HISTORY OF CHEST CONTRACTOR					
FRIENDS FOR HARRY REID				ID 8C88204378 SEX	ATE
1997 MID-YEAR REPORT	291,844		173,905	116897 -38JUN97	67 97SEN/010/0217
HID-YEAR REPORT - AMENDMENT	292,132		174,193	1JAM97 -30JUM97	39 97SEN/012/3084
REQUEST FOR ADDITIONAL INFORMATION				1JA497 -30JUN97	6 97FEC/244/0382
REQUEST FOR ADDITIONAL INFORMATION 2ND				1JA#97 -38JU#97	7 97FEC/248/4250
YEAR-END	778,173		268,283	1JUL97 -31DEC97	145 98SEN/005/3486
YEAR-END - AVENDMENT			-	1JUL97 -31DEC97	76 98SEH/808/2012
REQUEST FOR ADDITIONAL INFORMATION				1JUL97 -31DEC97	15 98FEC/286/3634
REQUEST FOR ADDITIONAL INFORMATION 2ND				1JUL97 -31DEC97	16 98FEC/298/4385
1938 48 HOUR CONTRIBUTION NOTICE				27AU698	29 98SEN/018/4324
48 HOUR CONTRIBUTION NOTICE				28AUG38	4 98SEN/018/4432
48 HOUR CONTRIBUTION NOTICE				31 AUG3 8	5 98SEN/018/4414
48 HOUR CONTRIBUTION NOTICE				160CT98	2 98SEN/021/0349
48 HOUR CONTRIBUTION NOTICE				200 ET98	2 98SEN/023/2892
48 HOUR CONTRIBUTION HOTICE				21 0CT38	2 985EH/024/2784
48 HOUR CONTRIBUTION NOTICE				230CT38	6 98SEN/025/2551
48 HOUR CONTRIBUTION NOTICE				230CT98	5 98SEN/025/3290
48 HOUR CONTRIBUTION NOTICE				23ET98	4 98SEN/025/3315
48 HOUR CONTRIBUTION WOTICE				240CT98	2 98SEN/925/3576
48 HOUR CONTRIBUTION NOTICE				270CT 3 8	2 98SEN/026/0371
48 HOUR CONTRIBUTION NOTICE				280CTS 8	3 98SEN/026/6314
48 HOUR CONTRIBUTION NOTICE				300CT98	5 98SEN/026/0927
48 HOUR CONTRIBUTION NOTICE				3100798	3 98SEN/026/1453
APRIL QUARTERLY	532,236		663,652	1JAN98 -31NAR98	107 98SEN/007/4012
APRIL QUARTERLY - AMENDMENT	-		-	1JAMS8 -31MAS8	16 98SEN/026/1688
JULY QUARTERLY	716,136		542,468	16PR38 -34JUNS8	181 98SEN/013/4124
JULY QUARTERLY - AMERIMENT	716,136		542,468	1APROS -39.JUNOS	31 98SEN/026/1750
REDUCEST FOR ADDITIONAL INFORMATION				1APR93 -30 JUN98	3 98FEC/378/1634
PRE-PRIMARY	379,852		783,994	1JUL98 -12 AU698	95 98SEN/118/2644
PRE-PRIMARY - AMENDMENT	379,852		783,994	1JUL98 -12 AU698	16 98SEN/026/1704
REQUEST FOR ADDITIONAL INFORMATION				1JUL98 -12 NU69 8	3 98FEC/378/1631
OCTOBER QUARTERLY		539, 293		1,193,032 1399698 -30SEP98	164 98SEN/020/4360
OCTOBER QUARTERLY - AMENDMENT		539, 293		1,193,032 1390598 -30SEP98	21 985EN/026/1729
OCTOBER QUARTERLY - AMENDMENT		-		-13ME38 -3ESEP38	65 99SEN/002/2269
REQUEST FOR ADDITIONAL INFORMATION				13/1698 -3152198	15 99FEC/416/236A
PRE-SENERAL		150,613		528,355 10CT98 -1NOCT98	29 98SEN/125/3285
PRE-SEMERAL - AMENDMENT		150,613		528,355 10CT98 -140CT98	9 98SEN/026/1720
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CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 2

CANDIDATE/CONNITTEE/DOCUMENT			RECEI	PTS	DISBURS	ENEXTS		\$ OF	IMME
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YEAR-END	- AMENDMENT	-	-24MOV98 -31DEC98	3 99SEN/002/Z411

2,639,529 1,214,795 2,432,599 2,596,420

3. AUTHORIZED COMMITTEES

TOTAL

1

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4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE COMPAIGN

CALIFORNIA/NEVADA VICTORY FUND '98	ID \$C00330977 SEHATE
1997 STATEMENT OF ORSANIZATION	319CT97 3 97SEN/012/1826
YEAR-END	290CT97 -310EC97 6 98SEM/009/3158
YEAR-END - MENDAENT	290CT97 -310EC97 4 58FEC/293/4499
REQUEST FOR ADDITIONAL INFORMATION	280CT97 -310EC97 2 98FEC/289/1976
1998 TERMINATION APPROVAL	21AUS98 2 SOFEC/348/1545
APRIL QUARTERLY	1JAN98 -31MAR98 8 98FEC/295/0922
JULY DUARTERLY - TERMINATED	1APPES - 38 JUNES 5 98 FEE / 326 / 36 10

38 TOTAL PAGES

1496 TUTAL PAGES

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4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

Principal Campaign Committee

All reports have been reviewed. Cash-on-hand as of 12/31/98: \$7,524.58

Debts owed to the committee as of 12/31/98: \$0

Debts owed by the committee as of 12/31/98: \$6.000.00

ATT HMENT 1 Page 3 of 3

DATE 7/02/1999

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

RETEIPTS DISPUSSEMENTS CANDIDATE/CONNITTEE/DOCUMENT # (F INAGE OFFICE SOUGHT/ PARTY PRIMARY GENERAL PRIMARY GENERAL COVERAGE DATES PAGES LOCATION TYPE OF FILER REID. HARRY SENATE DEMOCRATIC PARTY 2004 ELECTION TOR SEMERANZA MEVADA 1. STATEMENT OF CANDIDATE 21,71899 2 99SEN/005/2679 1999 STATEMENT OF CAMBIDATE 2. PRINCIPAL CAMPAIGN COMMITTEE T FRIENDS FOR HARRY REID ID &CR0284370 SENATE 14 1999 48 HOUR CONTRIBUTION NOTICE ** 29111899 2 99FEC/454/0748 1 TOTAL 2 TOTAL PAGES £ 3. AUTHORIZED CONNITTEES 4. JOINT FINDRAISING CONNITTEES AUTHORIZED BY THE CAMPAIGN

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^{**} This document was incorrectly added to the 1999-2000 data base; it will be added to the 1997-98 data base.

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 30, 1998

1998 GENERAL ELECTION CANDIDATE COMMITTEES

		REG/CERT.	-
REPORT	REPORTING PERIOD*	MAILING DATE**	FILING DATE
Pre-General	10/01/98 - 10/14/98 -48 Hour Notices-	10/19/98	10/22/98
Post-General	10/15/98 - 11/23/98	12/03/98	12/03/98

WHO MUST FILE

All 1998 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 3, 1998, General Election must file the Pre- and Post-General Election Reports. If the campaign has an authorized committee(s), in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z and attach the report(s) of the authorized committee(s).

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000 or more, during the period October 15 through October 31.

The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s). U.S. House candidates faxing 48-hour notices should transmit them to the FEC at 202/219-0174. Senate candidates should transmit them to the Secretary of the Senate at 202/224-1851. Note that 48-hour notices are the only FEC documents that may be faxed.

^{*}These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

^{**} Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

CONGRESSIONAL COMMITTEES

Pre/Post General Election

LABEL

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

ELECTRONIC FILING

Political committees have the option of filing electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing of Disclosure Reports," and call the Data Division at (800) 424-9530 or (202) 694-1250.

COMPLIANCE

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

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ITEMIZED RECEIPTS

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FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

Paul Eisenberg, Treasurer Friends For Harry Reid 116 Princeton Las Vegas, NV 98107

JAN 2 6 1999

Identification Number:

C00204370

Reference:

30 Day Post-General Report (10/14/98-11/23/98)

Dezr Mr. Eisenberg:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report discloses a contribution(s) which appears to exceed the limits set forth in the Act (copies attached). You should examine all of your contributions to check for additional excessives. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000 per election. A qualified multicandidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441a(a) and (f); 11 CFR §110.1(b), (e) and (k))

If the contribution(s) in question was not completely or correctly reported, you should amend your original report using the new or corrected information. If the contribution(s) exceeds the limits, you should either

FRIENDS FOR HARRY REID PAGE 2

refund to the donor the amount in excess of \$1,000 or request a written redesignation and/or reattribution of the contribution(s) from the donor. All refunds, redesignations, and reattributions must be made within aixty days of receipt of the contribution. Copies of refund checks and copies of letters reattributing or redesignating the contributions in question may be used to respond to this letter. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund or seek redesignation and/or reattribution of the excessive amount will be considered.

-Line 10 of the Summary Page of your report discloses \$48,085.62 in outstanding loans/debts. The sum of Schedule C loans and Schedule D debts indicates \$42,321.00 in outstanding obligations. Please correct this discrepancy and file an amendment to your report. (11 CFR §104.3(d))

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General Report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to provide concerning this matter will be considered. (11 CFR §104.5(f))





-Your committee filed 48 hour notices reporting the following "last minute" contributions:

Contributor	Date	Amount .
Ms. Suseann Waiz	10/16/98	\$1,000
Ms. Patty Brissenden	10/16/98	\$1,000
Carla Culver	10/22/98	\$1,000
Charles Minzel	10/22/98	\$1,000
Daniel Schochet	10/22/98	\$1,000
John Wiles	10/23/98	\$2,000
Larry Townes	10/23/98	\$1,000
Gwen Townes	10/23/98	\$1,000
Daria Townes	10/23/98	\$1,000
Donna Townes	10/23/98	\$1,000
Jonnie Ross	10/23/98	\$1,000
AFGE PAC	10/23/98	\$1,000
Archer's Arrow's PAC	10/27/98	\$2,000
BLOCK PAC	10/18/98	\$1,000
Int'l Brotherhood-Painters/Allied Trades	10/22/98	\$3,000
MOPAC	10/23/98	\$2,500
Time Future, Inc. PAC	10/18/98	\$1,500
Time Future, Inc. PAC	10/18/98	\$1,000

These contributions do not appear on Schedule A of this report. Please amend your report to include these contributions or provide an explanation of these apparent discrepancies.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 within fifteen (15) days of the date of this letter. If you

FRIENDS FOR HARRY REID PAGE 4

need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 694-1130.

Sincerely,

Lise Simpson

Reports Analyst

Reports Analysis Division

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PRIENDS POR HARRY RESD 116 Processes Seven Les Vague, Novelle 59107

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March 1, 1939

Secretary of the Secrete
Office of Public Records
232 Harn Senate Office Building
Washington, D.C. 20510

Identification Number: 000204370

Reference 30 Day Post-C-marel Report (10/1/98 - 11/23.92)

\$1000 was refunded 12715/08

Dear Sur

Brien Avele

J.S. Livermore

₹.

The Federal Election Commission has pointed out contributions in this report that may be excessive. We have reviewed the contributions and find the following:

SOLINETE LA MANUE	\$ 1000 May later thing 19 (2) to 10
Dan Ayala	\$1000 was refunded 12/15/99
Donna Wick	\$1000 was refunded 12/15/98
Steven Walther	\$1000 was refunded 12/15/98
Loui-Tau	\$500 will be added to the debt schedule and refunded
Robert Koss	\$1000 was refunded 12/15/98
Richard Myers	\$1000 will be added to the debt schedule and refunded
Jack Caramella	\$500 was refunded 12/15/98
HH&K Realty	\$4000 will be added to the data schedule and refunded
Thomas Bruce	\$500 will be added to the debt achedule and refunded
Keith Lee	\$1000 was refunded 12/15/98
Edward Lewis	\$250 not excessive, previous contribution on \$/21/97 for \$1000 should
	have been reported as a Primary contribution, the \$250 was General

On Line 10 of the Summery Page, there was an error. The total outstanding debta/loans should have been \$42,321.09. The amended Summery Page and Schoole D, page 3 of 3 for Line 10, are attached.

The F.E.C. also questioned if our committee had failed to file 48 notices on some contributions and why some contributions that was reported, fild not show up on our 30 Day Post General Replacement on these contributions are in fellows:

Sense Water cionical error, the contribution was from Kenneth Wels.

Perry Brimsenden check was inappropriate and returned to her & ** ** **.

\$1000 was refunded on 12/15/98

Carla Culver Charle: Minzel Daniel Schochet John Wiles Larry Townes Gwen Townes Deria Townes Donna Townse Jonnie Ross AFGE PAC **BLOCK PAC** Int'l Brotherhood-

MO! AC

Time Future PAC

Time Future PAC

this was a clarical error, her chack was for \$100, not \$1000 credit cost socsribution, not processed because the form was lost s credit ourd contribution, not precessed because the form was lost this was a cierical error, his check was for \$200, not \$2000 check was inappropriate and returned to bin check was imagery prints and submand to har check was isoppropriate and returned to her check was inappropriate and returned to her check was inappropriate and returned to her contribution is on the 30 Day Post-General Report Archer's Arrow PAC contribution is on the 30 Day Post-General Report contribution is on the 30 Day Post-General Report

Painters/Allied Trades contribution is on the 30 Day Post-General Report contribution is on the 30 Day Post-General Report contribution is on the 30 Day Post-General Report contribution is on the 30 Day Post-General Report

Also enclosed is an amended Schedule A, Line 11st and pages of Schedule A, Line 11c which contain required information on contributors and PACs that we did and previously have available to report

If you need any further information, please advise

ence Theles

Vice Transport for Friends for Herry Reid

ATTACHMENT 6 PAGE 1 OF 1

MEMORANDUM TO FILES:

DATE: June 30, 1999

NAME OF COMMITTEE: Friends for Harry Reid

SUBJECT: OGC Referral

FEC REP: Lisa Simpson

COMMITTEE REP: Janice Miller

I asked Janice Miller why a 48 hr. notice was not filed for the \$100,000 loan Senator Reid made to the committee. She said that their fund raiser representative had received the check a couple of days before the 15th but did not give it to her until the 15th. She said it was very hectic at this time of the campaign and people were not communicating very well. I asked her if she would send me something in writing to this affect. She said she would fax me a letter as soon as she could.

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47 PH '99

FRIENDS FOR HARRY REID 116 PRINCETON STREET LAS VEGAS, NEVADA 89107

Jul 1

July 1, 1999

Federal Election Commission Attn: Lisa Simpson 999 E Street, NW Washington, D.C. 20463

Identification number: C00204370

RE: 30-Day Post Election Report (10/15/98 - 11/23/98)

Dear Ms. Simpson:

As per our phone conversation, I have checked with our Nevada fund raiser regarding the \$100,000 personal loan from Senator Harry Senator to the Friends for Harry Committee. He received the check a few days before October 15, 1998. The check was turned over to me on October 15, 1998 and I deposited it on that day. I had used that date on the above mentioned report because it was the day I took position of the check. Our fund raiser did not report this on the 48 Hour Report because he had received it before October 15, 1998 and forgot to tell me the actual date that our committee took pessession of the check.

If you have any further questions, please advise.

Sincerely,

ruce Miller

anice Miller Vice Treasurer for

Friends for Harry Reid